

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	
Plaintiff,	:	Case No. 2:19-CR-00202
v.	:	Judge Michael H. Watson
THOMAS J. ROMANO,	:	
Defendant.	:	

MOTION FOR NEW TRIAL OR, IN THE ALTERNATIVE, MOTION FOR MISTRIAL

Defendant Thomas J. Romano, through undersigned counsel, respectfully moves the Court pursuant to Crim. R. 33 for an Order vacating his convictions and granting a new trial in the above-captioned case. In the alternative, Defendant moves the Court for an Order declaring a mistrial. The reasons in support of this Motion are set forth more fully in the following Memorandum.

Respectfully Submitted,

/s/ Samuel H. Shamansky
SAMUEL H. SHAMANSKY CO., L.P.A.

Samuel H. Shamansky (0030772)
523 South Third Street
Columbus, Ohio 43215
P: (614) 242-3939
F: (614) 242-3999
shamanskyco@gmail.com

Counsel for Defendant

MEMORANDUM

This matter proceeded to jury trial on August 1, 2022. On August 12, 2022, Defendant was convicted of twenty-four counts of unlawfully distributing controlled substances in violation of the Controlled Substance Act, 21 U.S.C. § 841.

Upon the motion of a defendant, a court may vacate any judgment and grant a new trial if the interest of justice so requires. Crim. R. 33(a). If such a motion is grounded on newly discovered evidence, the same must be filed within 3 years after the verdict or finding of guilty. Crim. R. 33(b). Any motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty. *Id.*

Defendant previously filed a Motion to Dismiss after having received a copy of the Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (hereinafter “Decision”) issued on February 25, 2020, by the Honorable Charles Wm. Dorman, U.S. Administrative Law Judge, *In the Matter of Craig S. Rosenblum*, M.D., DEA Docket No. 19-38. At a hearing scheduled later the same day to address Defendant’s motion, the Court indicated it was willing to construe Defendant’s motion to dismiss as a request for a mistrial.

Based on Dr. Munzing’s perjured testimony in this case, and in the event Defendant’s Renewed Motion for Judgment of Acquittal is denied, Defendant respectfully moves the Court for an Order vacating his convictions and ordering a new trial. Alternatively, Defendant moves the Court for an Order declaring a mistrial with prejudice. Defendant incorporates the arguments contained in his Renewed Motion for Judgment of Acquittal and Motion to Dismiss. Finally, Defendant reserves the right to supplement this motion once additional information and facts are developed following the upcoming evidentiary hearing scheduled on September 16, 2022.

Respectfully Submitted,

/s/ Samuel H. Shamansky
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Columbus, Ohio 43215
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shamanskyco@gmail.com

Counsel for Defendant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing was filed with the Clerk of Court for the United States District Court for the Southern District of Ohio using the CM/ECF system, which will send notification of such filing to Assistant U.S. Attorney Alexis Gregorian, 1400 New York Avenue NW, Washington, DC 20005, and all other counsel on August 26, 2022.

/s/ Samuel H. Shamansky
SAMUEL H. SHAMANSKY